

S.B. 373 by Blake, relating to supplemental appropriations to the Senate and State Purchasing and General Services Commission required by fire damage to the Capitol.

Respectfully submitted,

/s/Mark White
Governor of Texas

MEMORIAL RESOLUTION

S.R. 116 - By Farabee: Memorial resolution for Fred Selber Marks.

CONGRATULATORY RESOLUTIONS

S.R. 118 - By Doggett: Extending congratulations to Loyd Edmonds.

S.R. 119 - By Doggett: Extending congratulations to Tim Williams.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 12:03 o'clock p.m. adjourned until 11:00 o'clock a.m. tomorrow.

FIFTEENTH DAY

(Tuesday, February 8, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Glasgow, Lyon.

A quorum was announced present.

The Reverend Dubyear Harris, Metropolitan African Methodist Episcopal Church of Austin, offered the invocation as follows:

Our Father, we thank Thee for this privilege and we would that Thou wouldst bless the Presiding Officer and the Senators as they politicize this State, wouldst Thou keep them in Thy charge. In the name of Almighty God we pray. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

LEAVES OF ABSENCE

Senator Glasgow was granted leave of absence for today on account of important business on motion of Senator Caperton.

Senator Lyon was granted leave of absence for today on account of important business on motion of Senator Mauzy.

CO-AUTHOR OF SENATE BILL 278

On motion of Senator Brooks and by unanimous consent, Senator Sims will be shown as Co-author of S.B. 278.

CO-AUTHOR OF SENATE BILL 284

On motion of Senator Santiesteban and by unanimous consent, Senator Parker will be shown as Co-author of S.B. 284.

MESSAGE FROM THE HOUSE

House Chamber
February 8, 1983

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

H.C.R. 53, Declaring February 9, 1983, as "Bob Armstrong Day in Texas" in recognition of his outstanding service to this State.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

RESOLUTION SIGNED

The President announced the signing in the presence of the Senate the following enrolled resolution:

H.C.R. 38

REPORTS OF STANDING COMMITTEES

Senator Brooks submitted the following report for the Committee on Health and Human Resources:

S.B. 203 (Amended)
S.B. 207
S.B. 238
S.B. 214

Senator Farabee submitted the following report for the Committee on State Affairs:

S.B. 120
S.B. 307
S.B. 228 (Amended)
S.B. 284

SENATE BILLS AND RESOLUTION ON FIRST READING

The following bills and resolution were introduced, read first time and referred to the Committee indicated:

S.B. 374 by Jones Intergovernmental Relations
Relating to the authority of certain counties and cities to jointly establish an auditorium.

S.B. 375 by Doggett Health and Human Resources
Relating to a patient's medical records held by a physician.

S.B. 376 by Traeger Intergovernmental Relations
Amending Chapter 63 of Subtitle E of Title 110B of the Revised Civil Statutes of Texas (as enacted by Chapter 453, Acts Regular Session of the 67th Legislature, as amended) by adding a new Subtitle G consisting of a new Section 63.601 providing that municipalities participating in Texas Municipal Retirement System may allow to eligible members updated service credits calculated to include, on the conditions stated, unforfeited credited service arising from previous employment of the member by other participating municipalities; amending Section 65.402 of Title 110B by adding a new subsection (j) to said Section, which new subsection provides that from and after January 1, 1984, participating municipalities in the Texas Municipal Retirement System shall pick-up and make the contributions which employees who are members of Texas Municipal Retirement System otherwise are required to make, and shall unless the governing body of the employing municipality otherwise provides, offset the contributions so picked-up by corresponding reduction in the compensation of the employee; providing for continued withholding of Federal income taxes on picked-up contributions until determination that the same are not includible in the gross income of the member; providing that picked-up contributions shall be treated as employer contributions in determining tax-treatment under the United States Internal Revenue Code, but shall be treated for all other purposes of Subtitle G of Title 110B in the same manner and with like effect as employee contributions; providing that picked-up employee contributions shall not be included in calculating certain limitations on municipality contributions; and declaring an emergency.

S.B. 377 by Doggett Health and Human Resources
Relating to the administrative staff of the Texas Department of Mental Health and Mental Retardation and to the designation of facilities operated by the Texas Department of Mental Health and Mental Retardation.

S.B. 378 by Traeger, Brown Intergovernmental Relations
Relating to municipal solid waste management and resource recovery.

S.B. 379 by Henderson, Brown Intergovernmental Relations
Relating to the construction and financing of certain facilities as part of parking stations in certain counties.

S.B. 380 by Vale Jurisprudence
Relating to the selection of grand jurors; amending Subsection (b), Article 19.01, Code of Criminal Procedure, 1965.

S.B. 381 by Vale Health and Human Resources
Relating to the licensing of home health agencies; amending Chapter 642, Acts of the 66th Legislature, 1979, as amended (Article 4447u, Vernon's Texas Civil Statutes) by amending Subdivisions (1) and (9), Section 1; Subsection (b), Section 9; and Sections 3 and 6.

S.B. 382 by Mauzy State Affairs
Relating to the number of ballots furnished for each polling place.

S.B. 383 by Jones Education
Relating to the accounting treatment of the exchange of certain securities in which the permanent school fund is invested.

S.B. 384 by Jones Education
Relating to the guarantee of certain school district bonds.

S.C.R. 27 by Sims Administration
Granting Luther Coulter, Nathan W. Coulter, Jr., and Evalena Fairbanks permission to sue the State.

GUEST PRESENTED

The President presented his guest, Mr. Leonard Rauch, Member of the University of Houston Board of Regents.

The Senate extended their welcome to Mr. Rauch.

SENATE RULE 103 SUSPENDED

On motion of Senator Jones and by unanimous consent, Senate Rule 103 was suspended in order that the Committee on Finance might consider S.B. 373 at 2:00 o'clock p.m. today.

HOUSE CONCURRENT RESOLUTION 53

The President laid before the Senate the following resolution:

H.C.R. 53, Declaring February 9, 1983, as "Bob Armstrong Day in Texas" in recognition of his outstanding service to this State.

The resolution was read.

On motion of Senator Doggett and by unanimous consent, the resolution was considered immediately and was adopted.

SENATE BILL 114 ON SECOND READING

The President laid before the Senate on its second reading and passage to engrossment:

S.B. 114, Relating to the operations and continuation of the Office of State-Federal Relations.

(The bill was read second time yesterday and an amendment by Senator Jones to the bill was offered.)

Question — Shall the amendment be adopted?

On motion of Senator Jones and by unanimous consent, the amendment was withdrawn.

The bill was passed to engrossment.

SENATE BILL 114 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 114** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Harris, Howard, Jones, Kothmann, Mauzy, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Whitmire, Williams.

Nays: Henderson, Leedom, Washington.

Absent-excused: Glasgow, Lyon.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 231 ON SECOND READING

On motion of Senator Brown and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary

rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 231, Relating to the membership, operation, administration, and continuation of the Antiquities Committee; and to certain information which a state agency must make available to the Committee.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend **C.S.S.B. 231** by striking lines 38-42 on page 1 of the printed bill and substituting the following in lieu thereof:

(b) A person who is required to register as a lobbyist under Chapter 22, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the committee may not serve as a member of the committee or act as the general counsel to the committee.

The amendment was read and was adopted.

On motion of Senator Brown and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 231 ON THIRD READING

Senator Brown moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 231** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon.

The bill was read third time and was passed.

SENATE BILL 137 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 137, Relating to the continuation and operations of the Texas Advisory Commission on Intergovernmental Relations.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend **S.B. 137** by striking lines 43-47 on page 1 of the printed bill and substituting the following in lieu thereof:

(b) A person who is required to register as a lobbyist under Chapter 22, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the commission may not serve as a member of the commission or act as the general counsel to the commission.

The amendment was read and was adopted.

On motion of Senator Traeger and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 137 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 137 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 135 ON SECOND READING

On motion of Senator Jones and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 135, Relating to the membership, administration, powers and duties, and continuation of the Texas Historical Commission; providing for grounds for removal of commission members and establishing a complaint procedure; amending Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes), by amending Sections 1b, 2, 3, 9, 12, and 13 and by adding Sections 2A, 6A, 6B, 20A, and 22A.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend **C.S.S.B. 135** by striking lines 49-53 on page 1 of the printed bill and substituting the following in lieu thereof:

(d) A person who is required to register as a lobbyist under Chapter 22, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the commission may not serve as a member of the commission or act as the general counsel to the commission.

The amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

Amend **C.S.S.B. 135** by inserting new Sections 2 through 6 and renumbering the present Section 2 as Section 7 and subsequent sections accordingly.

SECTION 2. Chapter 500, Acts of the 55th Legislature, Regular Session, 1957 (Article 6145, Vernon's Texas Civil Statutes), is amended by amending Sections 8 and 15A and by adding Sections 8A, 8B, and 8C to read as follows:

Sec. 8. In this Act, "historic structure" means a structure that:

- (1) is included on the National Register of Historic Places;
- (2) is designated as a Recorded Texas Historic Landmark;
- (3) is designated as a State Archeological Landmark;
- (4) is determined by the commission to qualify as eligible property under criteria for inclusion on the National Register of Historic Places or for designation as a Recorded Texas Historic Landmark or as a State Archeological Landmark; or

(5) is certified by the commission to other agencies of the state as worthy of preservation.

Sec. 8A. [Sec. 8:] The Commission shall furnish professional consultant services to museums and to agencies, individuals, and organizations interested in the preservation and restoration of historic structures [historical houses], sites, and landmarks.

Sec. 8B. Upon notification by a state agency that the construction of a new state building is proposed in an area, the Commission shall compile a list of historic structures that are suitable and available for state purchase in the area. The list shall include the name and address of the owner of each structure, if this information is available to the Commission. The Commission shall furnish the list to the state agency proposing the construction not later than the 45th day after the day on which notice is received from the state agency.

Sec. 8C. The Commission shall compile and furnish to the State Purchasing and General Services Commission a list of the names and addresses of owners of historic structures that are suitable and available for lease by the state, and a list of the names and addresses of individuals and organizations that are interested in the preservation of historic structures. The lists shall be updated at least once each year.

Sec. 15A. The Commission is authorized to provide matching grants to assist the preservation of structures significant in Texas or American history, architecture, archeology, or culture if the structures are historic structures[:

[(1) are included on the National Register of Historic Places, or
 [(2) are designated as Recorded Texas Historic Landmarks; or
 [(3) are determined by the commission to qualify as eligible property under criteria for inclusion on the National Register of Historic Places or for designation as a Recorded Texas Historic Landmark; or

[(4) are certified by the commission to other agencies of the State of Texas as worthy of preservation].

SECTION 3. The State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended by amending Section 5.01 and by adding Section 5.01A to read as follows:

Sec. 5.01. [(a)] Under such terms and conditions as may be provided by law, the commission may acquire necessary real and personal property, modernize, remodel, build, and equip buildings for state purposes, and make contracts necessary to carry out and effectuate the purposes herein mentioned in keeping with appropriations authorized by the legislature. The commission shall not sell or dispose of any real property of the state except by specific authority from the legislature.

Sec. 5.01A. (a) [(b)] In acquiring real property, each using agency of the state, other than those specifically excluded by Sections 5.13 and 5.14 of this article, [for the use of state agencies, the commission] shall give first consideration to a building [any structures] that is a historic structure under [have been designated Recorded Texas Historic Landmarks as provided by] Section 8 [12], Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes)[, or that have been listed in the National Register of Historic Places established by 16 U.S.C. Section 470a (1974)], or to a building that has [have] been designated a landmark [landmarks] by the local governing authority, if the building [structure] meets requirements and specifications and the cost is not substantially higher than other available structures that meet requirements and specifications.

(b) Upon consideration of the construction of a new state building, the using agency shall notify the Texas Historical Commission and shall request a list of historic structures in the proposed construction area that are suitable and available for state acquisition.

(c) If the using agency decides to proceed with new construction, the using agency shall forward to the commission for inclusion in the project analysis for the new construction:

(1) the date it notified the Texas Historical Commission of the proposed construction;

(2) the date of the Texas Historical Commission's response;

(3) a copy of the list of historic structures furnished by the Texas Historical Commission; and

(4) a statement of the reasons for the rejection of each of the historic structures on the list.

(d) If the using agency rejects the acquisition of a historic structure because of the cost of the structure, the using agency shall forward to the commission for inclusion in the project analysis for the new construction a comparison of the cost of the new construction with the cost of the purchase and rehabilitation of the historic structure.

(e) In determining the feasibility of the acquisition of a historic structure, the using agency shall evaluate the possibility of providing the space needed by the using agency by combining new construction with the acquisition of the historic structure.

(f) Upon request of the using agency, the commission shall assist the using agency in evaluating the feasibility of acquiring a historic structure, and in preparing the information required by Subsections (c) and (d) of this section.

(g) The commission shall fulfill the requirements of Subsections (a) through (e) of this section for all projects for which it is the using agency, and for any multiagency state office building for which the commission serves as the coordinating authority.

SECTION 4. Section 5.16(c), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(c) A project analysis shall consist of (1) a complete description of the facility or project together with a justification of such facility or project prepared by the using agency, (2) a detailed estimate of the amount of space needed to meet the needs of the using agency and to allow for realistic future growth, (3) a description of the proposed facility prepared by an architect/engineer and including schematic plans and outline specifications describing the type of construction and probable materials to be used, sufficient to establish the general scope and quality of construction, (4) an estimate of the probable cost of construction, (5) a description of the proposed site of the project and an estimate of the cost of site preparation, [and] (6) an overall estimate of the cost of the project, (7) the information about historic structures considered instead of new construction that was prepared as required by Section 5.01A of this article, and (8) other information as required by the commission. A project analysis may include two or more alternative proposals for meeting the space needs of the using agency by (1) new construction, (2) acquisition and rehabilitation of an existing or historic structure, or (3) a combination of the above. All estimates involved in the preparation of a project analysis shall be carefully and fully documented and incorporated into the project analysis.

Throughout the preparation of the project analysis, the commission and any private architect/engineer employed by the commission shall work closely and cooperatively with the using agency to the end that the project analysis shall fully reflect the needs of the using agency.

The using agency shall use the cost of the project as determined by such project analysis as the basis of its request to the budget offices of this state.

SECTION 5. Section 6.05(j), State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), is amended to read as follows:

(j) In leasing space for the use of state agencies, the commission shall give first consideration to a building [any structures] that is a historic structure under [have

~~been designated Recorded Texas Historic Landmarks as provided by] Section 8 [12], Chapter 500, Acts of the 55th Legislature, Regular Session, 1957, as amended (Article 6145, Vernon's Texas Civil Statutes)[, or that have been listed in the National Register of Historic Places established by 16 U.S.C. Section 470a (1974)], or to a building that has [have] been designated a landmark [landmarks] by the local governing authority, if the building [structure] meets requirements and specifications and the cost is not substantially higher than other available structures that meet requirements and specifications. Upon consideration of the leasing of space for the use of a state agency, the commission shall notify all individuals and organizations that are within the county where the leasing is under consideration and that are on a list furnished to the commission by the Texas Historical Commission as required by Section 8C of Chapter 500, Acts of the 55th Legislature, Regular Session, 1957 (Article 6145, Vernon's Texas Civil Statutes. At the end of a biennium, the commission shall report to the legislature the commission's reasons for rejecting during the biennium the lease of any historic structure whose owner bid to lease space to the state.~~

SECTION 6. The State Purchasing and General Services Act (Article 601b, Vernon's Texas Civil Statutes), as amended by this Act, affects only state building construction for which a project analysis is prepared after August 31, 1983.

The amendment was read and was adopted.

On motion of Senator Jones and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 135 ON THIRD READING

Senator Jones moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 135 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon.

The bill was read third time and was passed.

COMMITTEE SUBSTITUTE SENATE BILL 225 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 225, Relating to the continuation of the Commission on Uniform State Law.

The bill was read second time.

Senator Jones offered the following amendment to the bill:

Amend C.S.S.B. 225 by striking lines 24-28 on page 1 of the printed bill and substituting the following in lieu thereof:

(b) A person who is required to register as a lobbyist under Chapter 22, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the commission may not serve as a member of the commission or act as the general counsel to the commission.

The amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 225 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 225 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon.

The bill was read third time and was passed.

SENATE BILL 127 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 127, Relating to the authority of a county to donate money to a crime stoppers organization.

The bill was read second time.

Senator Williams offered the following amendment to the bill:

Amend Senate Bill 127 by deleting SECTION 1 and SECTION 2 and substituting in lieu thereof the following:

SECTION 1. In this Act, "crime stoppers organization" means a private, nonprofit organization that is operated on a local or a statewide level, that accepts and expends donations for rewards to persons who report to the organization information concerning criminal activity, and that forwards the information to the appropriate law enforcement agency.

SECTION 2. The commissioners court of a county by contract may donate not more than \$25,000 in a calendar year to a crime stoppers organization for expenditure by the organization for its rewards.

The amendment was read and was adopted.

On motion of Senator Williams and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 127 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 127 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Lyon.

COMMITTEE SUBSTITUTE SENATE BILL 10 ON SECOND READING

On motion of Senator Mauzy and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 10, Relating to authorization of counties to establish alternative systems for resolving citizen disputes.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 10 ON THIRD READING

Senator Mauzy moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 10** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon.

The bill was read third time and was passed.

SENATE BILL 101 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 101, Relating to certain reports required from and the continuation of the office of the Interstate Oil Compact Commissioner for Texas.

The bill was read second time and was passed to engrossment.

SENATE BILL 101 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 101** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon.

The bill was read third time and was passed.

SENATE BILL 105 ON SECOND READING

On motion of Senator Howard and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 105, Relating to the membership, operations, and continuation of the Industrial Commission and to the commission's advisory council on small business assistance.

The bill was read second time.

Senator Howard offered the following committee amendment to the bill:

On page 6, line 12, strike the word "January" and substitute the word "February."

The committee amendment was read and was adopted.

Senator Jones offered the following amendment to the bill:

Amend S.B. 105 by striking lines 31-35 on page 2 of the printed bill and substituting the following in lieu thereof:

Article 5185a. Conflict of Interest. A person who is required to register as a lobbyist under Chapter 22, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-9c, Vernon's Texas Civil Statutes), by virtue of his activities for compensation in or on behalf of a profession related to the operation of the commission may not serve as a member of the commission or act as the general counsel to the commission.

The amendment was read and was adopted.

Senator Doggett offered the following amendment to the bill:

Amend S.B. 105 by adding new Sections 4 and 5 and renumbering the remaining sections as 6, 7, 8, 9, 10 and 11.

SECTION 4. Section 11, Development Corporation Act of 1979 (Article 5190.6, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 11. (a) The corporation shall have a board of directors in which all powers of the corporation shall be vested and which shall consist of any number of directors, not less than three, each of whom shall be appointed by the governing body of the unit under whose auspices the corporation was created for a term of no more than six years, and each of whom shall be removable by the unit for cause or at will. The directors shall serve as such without compensation except that they shall be reimbursed for their actual expenses incurred in the performance of their duties hereunder.

(b) The board of directors is subject to the open meetings act, Chapter 271, Acts of the 60th Legislature, Regular Session, 1967 (Article 6252-17, Vernon's Texas Civil Statutes).

SECTION 5. The Development Corporation Act of 1979 (Article 5190.6, Vernon's Civil Statutes) is amended by adding Section 14A to read as follows:

Sec. 14A. The board of directors is subject to the open records act, Chapter 42A, Acts of the 63rd Legislature, Regular Session, 1973 (Article 6252-17a, Vernon's Texas Civil Statutes).

The amendment was read and was adopted.

On motion of Senator Howard and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 105 ON THIRD READING

Senator Howard moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 105 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon.

The bill was read third time and was passed.

SENATE BILL 164 ON SECOND READING

On motion of Senator Williams and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 164, Relating to amending Acts 1977, 65th Legislature, page 1891, Chapter 752, as amended, (Article 1934c, Vernon's Texas Civil Statutes) by changing the manner of compensating certain positions; by providing a severability clause; and declaring an emergency.

The bill was read second time and was passed to engrossment.

SENATE BILL 164 ON THIRD READING

Senator Williams moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 164** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Lyon.

SENATE BILL 208 ON SECOND READING

On motion of Senator Uribe and by unanimous consent, the regular order of business, Section 5 of Article III of the State Constitution and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 208, Relating to rehabilitation school districts.

The bill was read second time.

Senator Uribe offered the following committee amendment to the bill:

Amend **S.B. 208** by striking the definition of "nonhandicapped scholastic" in SECTION 1 and by substituting the following definition:

"(3) "Nonhandicapped scholastic" means a scholastic who is between the ages of 6 and 21, inclusive, [eligible for public school education under state law] and who is not a [officially labeled as being] handicapped person, but who either:

(A) is not able to successfully perform in public school education programs;
or

(B) is older than the age at which school attendance is compulsory and chooses to enroll in the district."

The committee amendment was read and was adopted.

On motion of Senator Uribe and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 208 ON THIRD READING

Senator Uribe moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 208 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 1.

Nays: Washington.

Absent-excused: Glasgow, Lyon.

The bill was read third time and was passed by the following vote: Yeas 29, Nays 0.

Absent-excused: Glasgow, Lyon.

MEMORIAL RESOLUTION

S.R. 125 - By Doggett, Edwards, Harris: Memorial resolution for Max L. Thomas.

WELCOME RESOLUTION

S.R. 124 - By Sharp: Extending welcome to the Moulton High School Senior Class.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:59 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

APPENDIX

Sent to Governor
(February 8, 1983)

S.C.R. 22

SIXTEENTH DAY

(Wednesday, February 9, 1983)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Blake, Brooks, Brown, Caperton, Doggett, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Leedom, Lyon, Mauzy, McFarland, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Vale, Washington, Whitmire, Williams.

Absent-excused: Montford.

A quorum was announced present.

Senator Ed Howard offered the invocation as follows: